

UNITED STATES DISTRICT COURT
for the

Middle District of Pennsylvania

FILED
HARRISBURG, PA

SEP - 2 2008

United States of America

v.

CURTIS BROWN

Date of Previous Judgment: November 17, 2003
(Use Date of Last Amended Judgment if Applicable)

MARY E. D'ANDREA, CLERK
Per _____ Deputy Clerk

) Case No: 1:CR-01-315-01
USM No: 10907-067
Jeffrey Weiner, Esquire
Defendant's Attorney

AMENDED Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 96 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level:	<u>33</u>	Amended Offense Level:	<u>31</u>
Criminal History Category:	<u>IV</u>	Criminal History Category:	<u>IV</u>
Previous Guideline Range:	<u>188</u> to <u>235</u> months	Amended Guideline Range:	<u>151</u> to <u>188</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain): The defendant was initially granted a 5K1.1 departure which is applicable to this motion.

III. ADDITIONAL COMMENTS

This defendant was originally sentenced solely on crack cocaine (150 gr. to 500 gr.). The March 28, 2008 addendum to the presentence report converted powder cocaine and crack cocaine to marijuana. This was incorrect. The sentencing transcript supports the fact that the defendant pled to the crack cocaine. The government concurs in this conclusion.

Except as provided above, all provisions of the judgment dated 11/17/2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: September 2, 2008



Judge's signature

Effective Date: _____
(if different from order date)

Sylvia H. Rambo, United States District Judge

Printed name and title